THE BOMBAY PRIMARY EDUCATION ACT, 1947.

CONTENTS.

PREAMBLE.

CHAPTER I.

SECTIONS. PRELIMINARY.

1. Short title and extent.
2. Definitions.

CHAPTER II.

CONSTITUTION OF DISTRICT AND MUNICIPAL SCHOOL BOARDS.

3. School boards.
4. Constitution of school boards.
5. Disqualifications of members.
6. Determination of validity of elections; inquiry by Judge; Procedure
7. Disqualification after becoming member.
8. Disabilities an account of interest in subject matter.
9. Removal of members of school board for misconduct.
10. Election of chairman and vice-chairman.

CHAPTER III.

POWERS, DUTIES AND FUNCTIONS OF DISTRICT SCHOOL BOARDS, AUTHORISED MUNICIPALITIES AND MUNICIPAL SCHOOL BOARDS.

A. *District School Boards.*

11. Incorporation of district school boards.
12. Vesting of property in and absorption of staff by district school board.
13. Powers, duties and functions of district school boards.
14. Relinquishment of powers and duties.
15. Constitution of taluka advisory committee.

B. *Authorized Municipalities.*

16. Authorised municipalities to exercise powers, etc. and hold properties of local authority municipalities.
17. Duties and functions of authorized municipalities.

C. *Municipal School Boards.*

18. Powers, duties and functions of municipal school boards.

CHAPTER IV.

NON-AUTHORIZED MUNICIPALITIES.

19. Exercise of powers, etc. and holding of property in respect of non-authorized municipalities.

CHAPTER V.

ADMINISTRATIVE MACHINERY.

20. District school board, authorized municipality to maintain adequate staff, pay, etc.
21. Administrative Officer.
22. Delegation of power to appoint Administrative Officer to certain authorized municipalities.
23. Staff selection committee.
24. Powers of Administrative Officers over school board staff.

SECTIONS.

CHAPTER VI.

PREPARATION AND ENFORCEMENT OF SCHEMES OF COMPULSION.

25. Preparation of scheme.
26. Preparation of scheme by authorized municipality.
27. Particulars to be contained in scheme.
28. Sanction of Provincial Government to scheme.
29. Modification, etc., of sanctioned schemes.
30. Power to exempt children of particular classes.
31. No fees to be charged in area of compulsion.
32. Duty of parent to cause children to attend school.
33. Meaning of reasonable excuse.
34. Issue of attendance order.
35. Penalty for failure to cause child to attend approved school.
36. Penalty for employing child to whom scheme applies.
37. Administrative Officer to be public servant.

CHAPTER VII.

APPROVED SCHOOLS.

38. Subjects, curricula, etc. of approved schools.
39. Recognition of and grants to approved schools under private management.
40. Inspection of approved schools: returns.

CHAPTER VIII.

FINANCIAL RELATIONS BETWEEN THE PROVINCIAL GOVERNMENT AND LOCAL BODIES.

41. Payment to be made by district local board and non-authorized municipality.
42. Contribution by Provincial Government.
43. District school board budget.
44. Primary education fund.
45. Application of primary education fund.
46. Deposit of primary education fund.
47. Payment of travelling allowances to chairman, vice-chairman and members of school board.

CHAPTER IX.

CONTROL.

48. Inspecting staff.
49. Inspecting officers to be present at school board meetings.
Powers of suspervision.
50. Power to call for return or require explanation, etc.
51. Power of suspending execution of orders, etc. of school board.
52. Default by authorized municipality.
53. Power of Provincial Government to provide for performance of duties on default by school board.
54. Directions by Provincial Government.
55. Enquiry into affairs of school board.
56. Dissolution or supersession of school board in certain circumstances.
57. Dissolution of district school board and its reconstitution on alteration of limits of district.

SECTIONS.

CHAPTER X.

PROVINCIAL BOARD OF PRIMARY EDUCATION.

58. Constitution of Provincial Board of Primary Education.
59. Powers and duties of Provincial Board.

CHAPTER XI.

MISCELLANEOUS.

60. Delegation of its powers by Provincial Government.
61. Delegation by authorized municipalities and school boards of their powers, duties and functions.
62. Limitation of suits.
63. Power to make rules.
64. Repeal and transitory provision relating to school boards.
65. Act to prevail over provisions of certain other Acts.

BOMBAY ACT No. LXI OF 1947.[1]

[THE BOMBAY PRIMARY EDUCATION ACT, 1947.]

[*29th January 1948.*]

Amended by Bom. 8 of 1949.

An Act to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

WHEREAS it is the duty of Government to secure the development and expansion of primary education; and whereas it is the declared policy of Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion; and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Bombay Primary Education Act, 1947.

(*2*) It extends to the whole of the Province of Bombay except the City of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*1*) "Administrative Officer" means an officer appointed under section 21 or 22;

(*2*) "Approved school" means a primary school maintained by the Provincial Government or by a school board or by an authorized municipality or which is for the time being recognized as such by a school board or by the Provincial Government or by an officer authorized by it in this behalf;

(*3*) "Area of compulsion" means the area in which primary education up to any standard is compulsory;

(*4*) "Area of an authorized municipality" means the area comprised within the limits of such municipality and shall include the area of a non-authorized municipality approved schools in which vest in or are controlled by the authorized municipality;

(*5*) "To attend an approved school" means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required under the regulations framed by the school board;

(*6*) "Authorized Municipality" means a municipality which is authorized by the Provincial Government under sub-section (*1*) of section 16 to control all approved schools within its area;

(*7*) "Child" means a boy or girl whose age is not less than six and not more than fourteen years at the beginning of the school year.

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1947, Part V, page 328; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1947, Vol. XI; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1947, Vol. XIII.

Explanation.—For the purposes of this definition, " school year " shall mean the year beginning with such date as the school board may, with the sanction of the Director, fix ;

(*8*) " Director " means the Director of Public Instruction for the Province of Bombay ;

(*9*) " District " in clause (*h*) of section 5, in section 6, sub-section (*3*) of section 10, and section 19 means the district as formed under the Bombay Land Revenue Code, 1879, and elsewhere the area comprised in a district so formed excluding the areas of authorized municipalities and cantonments ; Bom. V of 1879.

(*10*) " District School Board " means a school board constituted for a district under section 3 ;

(*11*) " Municipal School Board " means a school board constituted for the area of an authorized municipality under section 3 ;

(*12*) " Non-authorized Municipality " means a municipality other than an authorized municipality ;

(*13*) " Parent " includes a guardian or any person who has the custody of a child ;

(*14*) " Prescribed " means prescribed by rules made under this Act ;

(*15*) " Primary Education " means education in such subjects and up to such standards as may be determined by the Provincial Government from time to time ;

(*16*) " Primary Education Fund " means the fund maintained under section 44 ;

(*17*) " Primary School " means a school or a part of a school in which primary education up to any standard is imparted ;

(*18*) " Provincial Board of Primary Education " means the board constituted under section 58 ;

(*19*) " School Board " means a district school board or a municipal school board, as the case may be.

CHAPTER II.

Constitution of District and Municipal School Boards.

School boards.

3. (*1*) For each district there shall be a district school board.

(*2*) For each area of an authorized municipality there shall be a municipal school board.

Constitution of school boards.

4. (*1*) Each school board shall consist of members not less than twelve and not more than sixteen in number.

(*2*) Of these members not less than two and not more than three in number shall be appointed by the Provincial Government.

(*3*) The number of members under sub-sections (*1*) and (*2*) shall be determined by the Provincial Government from time to time.

(*4*) Of the members appointed by the Provincial Government under sub-section (*2*) one shall be an officer of the Provincial Government ; and the remaining shall be persons (*i*) who shall have passed the matriculation examination or shall possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf or (*ii*) who have had experience of the system or institutions of primary education.

(*5*) (*a*) The members other than those appointed by the Provincial Government shall be elected by the district local board or the authorized municipality, as the case may be :

Provided that where approved schools within the area of any non-authorized municipalities are controlled by the district school board or the authorized municipality, not more than two of such members as may be determined by the Provincial Government from time to time shall be elected in the manner prescribed by the said non-authorized municipalities, on the district school board or municipal school board, as the case may be.

(*b*) Members elected under this sub-section shall not necessarily be members of the electing local authority.

[1][(*c*) Notwithstanding anything contained in this sub-section, in the case of a district local board or authorized municipality the term of office of the members or councillors of which expires on or before the 31st day of July 1949, the election of the members of the school board shall not be held by such district local board or authorized municipality, as the case may be, until after the new district local board or the authorized municipality has been constituted.]

(*6*) Of the members elected by the district local board or by the authorized municipality—

(*a*) one at least shall be a woman ; and

(*b*) such number not exceeding three as may be prescribed shall be from amongst the minorities and backward communities.

(*7*) Members elected under sub-section (*5*) shall have passed the primary school certificate examination or shall possess such other equivalent or higher educational qualification as may be prescribed :

Provided that persons from amongst the backward communities shall be eligible for being elected as members if they shall have passed at least the primary fourth standard examination :

Provided further that out of the seats of the members to be elected by the district local board or the authorized municipality not less than three shall be reserved in the prescribed manner for persons who have passed the matriculation or second year training certificate examination.

Explanation.—For the purposes of sub-sections (*6*) and (*7*) "minorities" and "backward communities" shall mean such classes and communities as may be prescribed.

(*8*) If the Provincial Government is satisfied that any election (including a bye-election) cannot for any reason be held at all or cannot be completed within such period as the Provincial Government considers reasonable or has not resulted in the return of the required number of qualified persons willing to take office, the Provincial Government shall nominate from amongst persons who would have been qualified to be elected the required number of persons as members of the school board and the persons so nominated shall be deemed to have been duly elected under sub-section (*5*).

(*9*) Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the electing district local board or authorized municipality :

Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the district local board or authorized municipality, as the case may be, is dissolved or superseded.

(*10*) (*a*) If the term of office of the members of a school board expires during the supersession of the electing district local board or authorized municipality, a new school board shall be constituted as provided in sub-sections (*1*) to (*7*) until the

[1] This clause was inserted by Bom. 8 of 1949, s. 2 (*1*).

district local board or authorized municipality, as the case may be, is re-established, provided that the members of such school board shall be nominated by the Provincial Government.

(*b*) The term of office of the members of the school board so nominated shall be for such period not exceeding three years as the Provincial Government may determine :

Provided that if during such period the district local board or authorized municipality, as the case may be, is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is constituted.

(*11*) Notwithstanding the expiry of the term of the members of any school board under sub-section (*9*) or (*10*) they shall continue in office until the members of a new school board are elected, appointed or nominated, as the case may be.

(*12*) (*a*) Any member of a school board other than the chairman or vice-chariman may resign his office by giving notice in writing to that effect to the chairman and such resignation shall take effect from the date of its receipt by the chairman.

(*b*) The vice-chairman may resign his office as vice-chairman or member by giving notice in writing to that effect to the chairman. The chairman may resign his office as chairman or member by giving notice in writing to that effect to the president of the district local board or of the authorized municipality, as the case may be. Such resignations shall take effect from the date of their acceptance by the chairman or the president.

(*13*) Casual vacancies including that of a chairman or vice-chairman during the term of a school board shall be filled for the remaining period by election, appointment or nomination, as the case may be :

[1][Provided that no election shall be held to fill up a vacancy of a member occurring within four months of the date on which the term of office of the members of the school board expires.]

[2][(*14*) During any vacancy the continuing members may act as if no vacancy had occurred.]

Disqualifications of members.

5. No person shall be elected, appointed or nominated a member of a school board who—

(*a*) is less than 25 years of age, or

(*b*) is a judge of civil court or a magistrate, or

(*c*) (*i*) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of the said Code, such order not having subsequently been reversed or quashed, or V of 1898.

(*iii*) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(*d*) is a stipendiary officer or an employee of any school board, or district local board or municipality, or

---

[1] This proviso was added by Bom. 8 of 1949, s. 2 (*2*).

[2] This sub-section was added, *ibid*, s. 2 (*3*).

(*e*) who has been adjudged an insolvent and has not obtained his discharge, or

(*f*) has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of, or in any contract entered into on behalf of the school board or the electing local authority, or

(*g*) is an employee or a teacher in any approved school, or

(*h*) has resided within the district for a period of less than six months preceding the date fixed for recording of votes for elections to the school board, or

(*i*) has been adjudged by a competent court to be of unsound mind.

Explanation.—A person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*a*) having any share or interest in any lease, sale or purchase of any immovable property or in an agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(*b*) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which may contract with or be employed by or on behalf of the school board or the electing local authority, or

Bom. VII of 1925.

(*c*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the electing local authority may be inserted, or

(*d*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the electing local authority, or

(*e*) having a share or interest in the occasional sale to the school board or electing local authority of any article in which he regularly trades, or in the purchase from the school board or the electing local authority of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*f*) having a share or interest in the occasional letting out on hire to the school board or the electing local authority or in the hiring from the school board or the electing local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*g*) being a police patel who is an *ex-officio* keeper of village cattle pounds under the control of the electing local authority.

Determination of validity of elections; enquiry by Judge; procedure.

6. (*1*) If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election, such person may, at any time within fifteen days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(*2*) An enquiry shall thereupon be held by a Judge not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or setting the election aside. For the purposes of the said enquiry, the said Judge may

exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken for holding a fresh election.

(*3*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of members is in question shall as far as possible, be heard by the same Judge, and

(*b*) in which the validity of the election of the same member is in question shall be heard together.

(*4*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, V of the Judge shall not allow (*a*) any application to be compromised or withdrawn, or 1908. (*b*) any pleadings in the proceedings to be altered or amended, unless he is satisfied that such application, alteration or amendment is *bona fide* and not collusive.

(*5*) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (*6*), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(*6*) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person ; or

(*b*) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote ;

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression " a promise of individual profit "

(*i*) does not include a promise to vote for or against any particular measure which may come before a school board for consideration, but

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(*7*) If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.

(*8*) If the Judge sets aside an election under clause (*a*) of sub-section (*5*) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of sub-section (*6*) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :

Provided further that such person may by an order of the Provincial Government in that behalf be at any time relieved from such disqualification.

Disqualification after becoming member.

7. (*1*) If any member of a school board, during the term for which he has been elected, appointed or nominated—

(*a*) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(*b*) becomes subject to any of the disqualifications mentioned in section 6,

he shall be disabled from continuing to be a member of such board and his seat shall be deemed to be vacant:

Provided that he shall not be deemed to have incurred any disqualification under clause (*f*) of section 5 by reason of his having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(*2*) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

Disabilities on account of interest in subject-matter.

8. A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in clause (*f*) of section 5 or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

Removal of members of school board for misconduct.

9. The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of—

(*i*) a school board, or

(*ii*) the district local board or the authorized municipality which elected the member,

remove any member elected, appointed or nominated on the school board, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity:

Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

Election of chairman and vice-chairman.

10. (*1*) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.

(*2*) A chairman or a vice-chairman shall be removable from office by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board, sanction is accorded by the Provincial Government for such removal and provided, further, that before such resolution is passed, the chairman or vice-chairman is given at least two weeks' notice of such resolution and a reasonable opportunity of showing cause why such resolution should not be passed.

(*3*) Every chairman or vice-chairman who, for a continuous period exceeding three months, absents himself from the district without leave of the school board shall cease to be chairman or vice-chairman.

(*4*) No leave shall be granted by the school board under sub-section (*3*) for a total period exceeding six months during the term of the school board.

(*5*) Whenever leave is granted to a vice-chairman under sub-section (*3*), a member shall be elected to be vice-chairman during the period of such leave.

CHAPTER III.

POWERS, DUTIES AND FUNCTIONS OF DISTRICT SCHOOL BOARDS, AUTHORIZED MUNICIPALITIES AND MUNICIPAL SCHOOL BOARDS.

A. *District School Boards.*

Incorporation of district school boards.

11. Every district school board shall be a body corporate by the name of "The District School Board of.....", and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, whether within or without the limits of its area, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and do all things necessary for the purposes of this Act.

Vesting of property in and absorption of staff by district school board.

12. (*1*) Notwithstanding anything contained in any law, [1][on the date of the coming into force of this Act (hereinafter in this section referred to as "the said date")] all primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vested in, held by or were under the control of [2][a district local board] for the purposes of primary education immediately before [3][the said date] shall, on [4][the said date] be vested in, held by or be under the control of the district school board for the said purposes :

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the matter shall be referred to the Provincial Government whose decision thereon shall be final.

(*2*) [5][On the said date] every district local board shall transfer and every district school board shall take over and employ such primary school teachers and other persons as were employed by or under the district local board on [6][the said date] for the purposes of primary education, on the same terms and conditions on which such teachers or persons were employed by or under the said district local board.

(*3*) The existing and future rights, liabilities, duties and powers of the district local board in respect of such teachers or other persons so far as they are not inconsistent with the provisions of this Act or the rules or regulations made thereunder shall vest in and be performed or exercised by the said district school board on and as from [7][the said date.]

Powers, duties and functions of district school boards

13. (*1*) Subject to the provisions of this Act and the rules made thereunder, the district school board shall have control over all approved schools within the district and may grant aid to any approved school other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality.

---

[1] This portion was substituted for the words "on the constitution of a district school board under section 4" by Bom. 8 of 1949, s. 3.

[2] These words were substituted for the words "the district local board", *ibid.*

[3] These words were substituted for the words "the date on which the school board was constituted", *ibid.*

[4] These words were substituted for the words "such date", *ibid.*

[5] These words were substituted for the words "on a date notified by the Provincial Government in this behalf", *ibid.*

[6] These words were substituted for the words "such date", *ibid.*

[7] These words were substituted for "the date notified under sub-section (*2*)", *ibid.*

(2) Subject to the provisions of this Act and the rules made thereunder, and so far as its primary education fund will allow, the district school board shall perform the following duties and functions :—

(*a*) to provide for the welfare of the children attending primary schools;

(*b*) to maintain an adequate number of primary schools;

(*c*) to provide adequate accommodation and equipment for primary schools;

(*d*) to maintain an adequate staff of Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary;

(*e*) to maintain an adequate number of engineering staff required for the construction and maintenance of schools and other buildings;

(*f*) to determine, on the recommendation of the Administrative Officer, the distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (*c*) of section 33;

(*g*) to determine with the approval of the Educational Inspector the hours of instruction and the number and duration of vacations;

(*h*) to determine the exact location of primary schools;

(*i*) to grant on the recommendation of the Administrative Officer exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school;

(*j*) to sanction all tenders for the supply of forms, stationery, furniture or equipment;

(*k*) to suggest the opening of additional schools for the sanction of the Provincial Government;

(*l*) to recommend to the Director such modifications in the curriculum as may seem necessary to suit local requirements;

(*m*) to advise the Provincial Government generally in respect of primary education within the district;

(*n*) to carry on propaganda for the expansion of primary education;

(*o*) to perform such other duties and functions as may be prescribed.

(3) The district school board shall from time to time with the sanction of the Director make regulations not inconsistent with the provisions of this Act and the rules made thereunder for—

(*i*) laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school;

(*ii*) determining the constitution, powers and duties of the taluka advisory committees;

(*iii*) the supply of books, slates, educational requisites, milk, meals or clothes to children of any age receiving primary education, if provision for such supply is made.

Relinquishment of powers and duties.

14. (1) The district school board may, by a resolution passed by at least two-thirds of the whole number of members of the board, and with the consent of the District Local Board, intimate to the Provincial Government that it desires to relinquish its powers and duties excepting the duties of advising and of carrying on propaganda for the expansion of primary education.

(2) If, on receipt of such intimation, the Provincial Government so directs, all powers and duties of the district school board, other than those so excepted, shall from such date and for such period as may be notified by the Provincial Government in this behalf be exercised and performed on behalf of the Provincial Government in the prescribed manner.

(*3*) All primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vesting in, held by or were under the control of the district school board immediately before the date notified by the Provincial Government under sub-section (*2*) shall vest in, be held by or be under the control of the Provincial Government during the period notified under the said sub-section.

Constitution of taluka advisory committee.

15. The district school board may by a resolution recommend to the Provincial Government the establishment of taluka advisory committees for all or any of the talukas in the district to advise it in respect of primary education. On such recommendation being accepted by the Provincial Government such committees shall be constituted from a date to be notified by the Provincial Government in the *Official Gazette*. The constitution, powers and duties of the committees shall be as laid down in the regulations made by the district school board :

Provided that the Provincial Government may on its own motion or on the recommendation of the district school board supported by at least two-thirds of the whole number of members of the board by an order dissolve a taluka advisory committee from a date to be notified in the *Official Gazette*.

B. *Authorized Municipalities.*

Authorized municipalities to exercise powers, etc. and hold properties of local authority municipalities.

16. (*1*) The Provincial Government may authorize any municipality constituted under the Bombay District Municipal Act, 1901, or under the Bombay Municipal Boroughs Act, 1925, to control all approved schools within its area. Bom. III of 1901. Bom. XVII of 1925.

(*2*) Subject to the provisions of this Act and of the rules and regulations made thereunder, all existing and future rights, liabilities, powers and duties of any municipality, which was a local authority under the Bombay Primary Education Act, 1923, immediately before the date of the coming into force of this Act, in respect of primary school teachers and other persons employed by it for the purposes of primary education shall on such date vest in and be performed or exercised by the said municipality as an authorized municipality under this Act ; and all properties, moveable and immovable, vesting in or held by or under the control of such municipality for the purposes of primary education, shall from such date continue to vest in, be held by or be under the control of the said municipality as such authorized municipality. Bom. IV of 1923.

Duties and functions of authorized municipalities.

17. (*1*) Subject to the provisions of this Act and the rules made thereunder an authorized municipality shall perform the following duties and functions, namely :—

(*a*) to make adequate provision for maintaining the existing primary schools and opening new schools wherever necessary and for granting aid to approved schools other than primary schools maintained by the Provincial Government or by a school board or by an authorized municipality ;

(*b*) to provide adequate accommodation and equipment for primary schools ;

(*c*) to maintain an adequate staff of Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary ;

(*d*) to make adequate provision for facilities for the free primary education of all children to whom a scheme of compulsion applies ;

(*e*) to sanction with or without variation the budget of the municipal school board ;

(*f*) to perform such other duties and functions as may be prescribed.

(*2*) The authorized municipality may, subject to the provisions of this Act and the rules made thereunder, also make provision for the welfare of the children attending primary schools within its area.

(*3*) The authorized municipality shall, subject to the sanction of the Provincial Government, make regulations—

(*i*) determining the qualifications, pay and terms of employment of the Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, inferior servants and other staff;

(*ii*) regulating the administration, management and control of primary schools;

(*iii*) determining the qualifications, pay and terms of employment of the Administrative Officer appointed by it under section 22;

(*iv*) for the supply of books, slates, educational requisites, milk, meals or clothes to children receiving primary education, if provision of such supply is made.

C. *Municipal School Boards.*

Powers, duties and functions of municipal school boards.

18. (*1*) Subject to the provisions of this Act and the rules made thereunder, the municipal school board shall be responsible for the management and control of all primary schools which vest in the authorized municipality and for the control of all other approved schools within the area of the authorized municipality excepting such as are maintained by the Provincial Government; and the board shall exercise such powers and perform such duties and functions of the authorized municipality in respect of primary education as may be prescribed.

(*2*) Subject to the provisions of this Act and the rules made thereunder, a municipal school board shall perform the following duties and functions, namely :—

(*a*) to prepare schemes to be submitted by the authorized municipality to the Provincial Government for expansion of primary education and to carry out the provisions of such scheme;

(*b*) to disburse monies from the primary education fund in accordance with the budget sanctioned by the authorized municipality;

(*c*) to perform the duties and functions specified in clauses (*f*) to (*j*) and (*l*) and (*n*) of sub-section (*2*) of section 13;

(*d*) to perform such other duties and functions as may be prescribed.

(*3*) The municipal school board shall, with the sanction of the Director, make regulations laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school.

CHAPTER IV.

Non-Authorized Municipalities.

Exercise of powers, etc. and holding of property in respect of non-authorized municipalities.

19. (*1*) Subject to the provisions of this Act and of the rules made thereunder all properties moveable and immovable vesting in, held by or under the control of any non-authorized municipality for the purpose of primary education shall vest in, be held by or be under the control of the district school board of the district in which it is situated or such authorized municipality as the Provincial Government may specify with the consent of the authorized municipality; and all existing and future rights, liabilities, powers and duties of any such non-authorized municipality in respect of primary school teachers and other persons employed by it for such purposes shall vest in and be performed or exercised under this Act and all approved schools within the area of such non-authorized municipality shall be controlled by the said district school board or the authorized municipality, as the case may be.

(*2*) The Provincial Government may, at any time by an order published in the *Official Gazette* together with the reasons therefor, direct that any authorized municipality shall, with effect from a date specified in this behalf, cease to be an authorized municipality; and with effect from such date the said municipality shall be a non-authorized municipality. The provisions of sub-section (*1*) shall thereupon apply in the case of such municipality.

(*3*) If any non-authorized municipality is at any time authorized by the Provincial Government to control all approved schools within its area, the said municipality shall thereafter be an authorized municipality. Thereupon all properties moveable or immovable vesting in, held by or under the control of a district school board or an authorized municipality for the purposes of primary education in such area shall vest in, be held by or be under the control of such first mentioned municipality; and all existing and future rights, liabilities, powers and duties in respect of primary school teachers and other persons employed by such district school board or authorized municipality for the purposes of primary education in such area shall also vest in and be performed or exercised by the said first mentioned municipality.

CHAPTER V.

ADMINISTRATIVE MACHINERY.

District school board, authorized municipality to maintain adequate staff, pay, etc.

20. (*1*) Every district school board with the approval of the Provincial Government and every authorized municipality shall maintain an adequate staff of Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, primary school teachers and inferior servants and other staff (including engineering staff), as may in the opinion of the Provincial Government be necessary for the administration, management and control of approved schools within its area.

(*2*) The staff maintained under sub-section (*1*) shall be servants of the district school board or of the authorized municipality, as the case may be, and shall receive their pay, allowances, provident fund, gratuities and pensions from its primary education fund.

(*3*) The rates of the pay and allowances and terms of employment in respect of all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorized municipality shall be as fixed from time to time by the Provincial Government.

(*4*) The Provincial Government may from time to time prescribe the duties to be performed by the staff maintained under sub-section (*1*).

Administrative Officer.

21. (*1*) For every school board there shall be an Administrative Officer. He shall be the chief executive officer of the board; his powers and duties shall be as prescribed.

(*2*) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. He shall draw his pay and allowances from the provincial revenues.

Delegation of power to appoint Administrative Officer to certain authorized municipalities.

22. (*1*) Notwithstanding the provisions of section 21, the Provincial Government may by notification in the *Official Gazette* delegate the power to appoint an Administrative Officer to an authorized municipality which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 for three financial years immediately preceding the date of the notification. The Administrative Officer so appointed shall be the servant of the authorized municipality and shall draw his pay, allowances, provident fund, gratuity and pension from its primary education fund. Bom. XVIII of 1925.

(*2*) The appointment of such Administrative Officer shall be made after inviting and considering the suggestions, if any, of the municipal school board and with the approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removed from his office, reduced or suspended except by a resolution passed by at least two-thirds of the whole number of councillors of the authorized municipality.

(*3*) The qualifications, pay, allowances and terms of employment of such Administrative Officer shall be in accordance with the regulations framed by the authorized municipality with the sanction of the Provincial Government.

Staff selection committee.

23. (*1*) There shall be a staff selection committee for every district school board or authorized municipality.

(*2*) The staff selection committee shall consist of the Educational Inspector of the division or any other officer designated by the Director, the chairman of the school board and the Administrative Officer.

(*3*) The Administrative Officer shall act as secretary of the staff selection committee.

(*4*) The committee shall select candidates for appointments as Assistant Administrative Officers, Supervisors, Attendance Officers and teachers; and in the case of district school boards, also members of the other staff excluding inferior servants. The Committee shall also select teachers to be deputed for training. The selection of candidates and teachers shall be made in accordance with the instructions issued by the Provincial Government.

(*5*) The school board or the authorized municipality or the Aministrative Officer, as the case may be, shall make appointments of the candidates so selected in accordance with the directions given by the staff selection committee.

Powers of Administrative Officers over school board staff.

24 (*1*) The Administrative Officer shall have power, subject to such general instructions as may be issued from time to time by the Director, to promote, transfer and take all disciplinary action (including removal or dismissal) against the staff maintained under section 20.

(*2*) Any person aggrieved by an order of dismissal, removal, reduction or any other order involving disciplinary action made under sub-section (*1*), may submit an appeal to a tribunal consisting of the chairman of the school board and the Educational Inspector of the division. The tribunal shall follow the prescribed procedure for the disposal of its business. In the event of a difference of opinion between the members of the tribunal the appeal shall be referred to the Director whose decision shall be final:

Provided that a primary school teacher who is a guaranteed teacher on the date of the coming into force of this Act, may make a further appeal to the Provincial Government against any order of removal or dismissal.

Explanation.—A guaranteed teacher means a primary school teacher who was holding a permanent appointment as such teacher on 30th June 1923.

(*3*) An appeal under sub-section (*2*) shall be made within 30 days from the date of the order appealed against.

CHAPTER VI.

Preparation and Enforcement of the Schemes of Compulsion.

Preparation of scheme.

25. It shall be the duty of the Administraitve Officer of a district school board to prepare in accordance with the directions received from the Director in this behalf a scheme to provide compulsory primary education in such area and for children of such ages and up to such standard and within such period as the Director may

specify. The Administrative Officer shall obtain the comments and suggestions of the district school board upon the scheme so prepared by him and shall submit it together with such comments and suggestions, if any, to the Director who shall forward it to the Provincial Government with his remarks.

Preparation of scheme by authorized municipality.

26. (*1*) An authorized municipality may by a resolution declare its intention to provide compulsory primary education in the whole or any part of its area in the case of children of such ages and up to such standard as the municipality may decide and shall submit its proposals to the Provincial Government through the Director in the form of a scheme.

(*2*) An authorized municipality, if called upon by the Provincial Government so to do, shall within a time to be specified by the Provincial Government submit to the Director a scheme to provide compulsory primary education in such area and in the case of children of such ages and up to such standard and within such period as the Provincial Government may specify.

Particulars to be contained in scheme.

27. The scheme submitted under the two preceding sections shall be in the form prescribed and shall contain the following particulars :—

(*a*) area of compulsion ;

(*b*) the census of children of the ages to which the scheme shall apply classified by languages spoken by the children ;

(*c*) a list of existing approved schools and the schools proposed to be opened, classified by languages in which instruction is given or is proposed to be given ;

(*d*) a schedule of existing and proposed staff of Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, teachers and inferior servants ;

(*e*) the recurring and non-recurring cost of the scheme and in the case of a scheme submitted by an authorized municipality the resolution of the municipality agreeing to bear its share of the additional recurring and non-recurring cost ;

(*f*) if there is a non-authorized municipality within the area of compulsion, the amount of annual contribution, which the municipality according to the orders issued by the Provincial Government under sub-section (*2*) of section 41 shall make.

Sanction of Provincial Government to scheme.

28. (*1*) The Provincial Government may after such inquiry as may be necessary sanction with or without modifications the scheme submitted under section 25 or 26. The scheme so sanctioned shall come into effect from such date as may be notified by the Provincial Government in the *Official Gazette*.

(*2*) Every scheme of compulsion sanctioned under the Bombay Primary Education Act, 1923, and which is in force immediately before the coming into force of this Act shall be deemed to be a scheme sanctioned under this Act. Bom. IV of 1923.

Modification, etc., of sanctioned schemes.

29. A sanctioned scheme may with the sanction of the Provincial Government be withdrawn or from time to time modified by an authorized municipality, or may by an order published with the reasons for making it in the *Official Gazette* be modified, cancelled or temporarily suspended by the Provincial Government.

Power to exempt children of particular classes.

30. The Provincial Government may by notification in the *Official Gazette* exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.

No fees to be charged in area of compulsion.

31. When a scheme has been sanctioned, no fee shall be charged within the area of compulsion in any school maintained by the district school board or the authorized municipality, as the case may be, in respect of any child for the standards included in the scheme.

Duty of parent to cause children to attend school.

32. In every area of compulsion, the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Meaning of reasonable excuse.

33. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause ;

(*b*) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient or has received from the school board a certificate of having already completed his primary education up to the standard included in the scheme ;

(*c*) where there is no approved school within the distance fixed by the school board under section 13 or 18, as the case may be ;

(*d*) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under section 13 or 18, as the case may be, until such time as the parent is notified by the Administrative Officer that the child can be admitted ;

(*e*) where there is no approved school in the locality in which instruction is given in the language spoken by the child ;

(*f*) where there is no approved school in the locality to which the parent can send the child without exposing him to religious instruction to which the parent objects.

Issue of attendance order.

34. (*1*) Where the school board is satisfied that the parent of any child who is bound under the provisions of section 32 to cause such child to attend an approved school, has failed to do so, the school board after giving the parent an opportunity of being heard and after such inquiry as it considers necessary may make an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order.

(*2*) This power may be delegated by the school board to any of its members or to the Administrative Officer or other officer of the school board.

(*3*) Any parent aggrieved by an order made under sub-section (*1*) may, within thirty days from the date of such order, appeal to the Educational Inspector of the division who may confirm or rescind the order as he deems fit.

Penalty for failure to cause child to attend approved school.

35. (*1*) Any parent against whom an order with reference to a child has been made under sub-section (*1*) of section 34 and who fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order shall, unless such order is rescinded in an appeal made under sub-section (*3*) of the said section 34,—

(*i*) if he resides in a town or village where there is a magistrate, on conviction by such Magistrate ; or

(*ii*) if he resides in a village having a panchayat, on conviction by village bench ; or

(*iii*) if he resides elsewhere, on conviction by a person empowered in this behalf by the District Magistrate,

be liable to a fine not exceeding two rupees and if such failure continues after such conviction, he shall also on conviction by such Magistrate, village bench, or person be liable to a fine of eight annas for every day that the failure continues or is repeated.

(*2*) No magistrate, village bench or person shall take cognizance of an offence under sub-section (*1*) except on the complaint filed by the Administrative Officer or any other officer authorized by him in this behalf.

Penalty for employing child to whom scheme applies.

36. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 32 apply, so as to interfere with the education or instruction of such child shall, on conviction, be liable to a fine not exceeding twenty-five rupees.

(*2*) No court shall take cognizance of an offene under this section except on the complaint of the Administrative Officer or any other officer authorized by him in this behalf, and before making any complaint under this section against any person the Administrative Officer or such officer shall unless such person has been previously convicted under sub-section (*1*) cause a warning to be given to such person.

Administrative Officer to be public servant.

37. For the purposes of sections 35 and 36 the Administrative Officer shall be deemed to be a public servant within the meaning of proviso (*aa*) to section 200 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VII.

Approved Schools.

Subjects, curricula, etc., of approved schools.

38. The subjects, curricula, books and standards of teaching of approved schools shall be such as may from time to time be specified by the Provincial Government.

Recognition of and grants to approved schools under private management.

39. (*1*) Every primary school, other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality, which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

(*2*) Such recognition shall be given by the school board or by the Provincial Government or by an officer authorized by it in this behalf; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

Inspection of approved schools: returns.

40. (*1*) Every approved school shall be open during school hours to inspection by the inspecting officers of the Provincial Government for the purpose, in particular, of ascertaining—

(*a*) whether instruction is given in accordance with the provisions of section 38;

(*b*) whether the provisions of this Act for the compulsory attendance of children are being carried out;

(*c*) whether the health of the school children is satisfactory;

(*d*) whether the instruction given is not of a pernicious nature;

(*e*) whether the registers and records are being maintained as required by the Director.

(*2*) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (*1*) of section 48 and to any officer specially deputed under this sub-section by the Director in the discharge of their duties.

CHAPTER VIII.

Financial relations between the Provincial Government and Local Bodies.

Payment to be made by district local board and non-authorized municipality.

41. (*1*) Every district local board shall pay over annually to the district school board for the purposes of primary education such portion of its income from its revenue described in clauses (*b*) and (*c*) of section 75 of the Bombay Local Boards Act, 1923, as the Provincial Government may from time to time fix in this behalf.

Bom. VI of 1923.

(*2*) Every non-authorized municipality shall pay over annually to the district school board or the authorized municipality, as the case may be, for the purposes of primary education such proportion of the rateable value of properties in the area of the municipality as may from time to time be fixed in this behalf by the Provincial Government and the income accruing from any funds (including trust funds) held, and all moneys received by it for the said purposes.

Contribution by Provincial Government.

42. (*1*) If a scheme submitted by an authorized municipality is sanctioned under section 28, the Provincial Government shall bear half of the additional recurring and non-recurring annual cost of the scheme so sanctioned; but the liability of the Provincial Government shall not exceed half of the said cost, as it was estimated by the authorized municipality.

(*2*) Nothing in this section shall affect the claim of any authorized municipality to any annual grant which at the time this Act comes into force is being paid to it as a local authority under the Bombay Primary Education Act, 1923, by the Provincial Government for the purposes of primary education:

Bom. IV of 1923.

Provided that, if the Provincial Government considers that the primary education fund of any authorized municipality has been or is about to be misused or misapplied, or misapplied, it may call upon such authorized municipality for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such authorized municipality as it may deem proper.

(*3*) The Provincial Government shall pay to a district school board a grant equivalent to the amount by which expenditure in accordance with the budget sanctioned under the next following section exceeds the receipts referred to in clauses (*b*) to (*d*) and (*g*) of sub-section (*2*) of section 44.

District school board budget.

43. The budget of the district school board shall in the prescribed manner be framed and submitted to the Provincial Government and the Provincial Government may sanction it with such modifications as it may deem fit to make therein.

Primary education fund.

44. (*1*) A fund called the primary education fund shall be maintained by every district school board and by every authorized municipality.

(*2*) The following shall form part of, or be paid into, the primary education fund:—

(*a*) the balance of the primary education fund maintained under section 8A of the Bombay Primary Education Act, 1923;

Bom. IV of 1923.

(*b*) the contributions payable by non-authorized municipalities under sub-section (*2*) of section 41;

(*c*) fees and fines received in respect of primary schools maintained by the school board or the authorized municipality, as the case may be;

(*d*) in the case of a district school board, such portion of the income of the district local board as the Provincial Government may fix under sub-section (*1*) of section 41;

(*e*) in the case of an authorized municipality, the grant paid or payable by the authorized municipality on account of primary education;

(*f*) the grant paid or payable by the Provincial Government on account of primary education;

(*g*) such other sums as may from time to time be received on account of primary education.

Explanation.—For the purposes of clause (*e*) the grant payable by an authorized municipality shall be the amount of expenditure on account of primary education in any year less the grant paid by the Provincial Government in that year, and fees and sums of money from other sources of income belonging to the fund.

Application of primary education fund.

45. (*1*) The primary education fund shall stand in thename of the school board and shall, subject to the provisions of this Act, be applied for the purposes specified therein and for such other purposes as may be prescribed.

(*2*) The fund shall be maintained, administered and used in the manner prescribed.

Deposit of primary education fund.

46. (*1*) The primary education fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to have been registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the Provincial Government. Bom. VII of 1925.

(*2*) It shall be lawful for the school board to invest such portion of the primary education fund as is not likely to be immediately required in post office cash certificates or in securities of the Central Government or any Provincial Government.

(*3*) Every investment in Government securities shall be made through the Reserve Bank of India or any other bank approved by the Provincial Government in this behalf.

Payment of travelling allowances to chairman, vice-chairman and members of school board.

47. The chairman, vice-chairman and members of the school board may be paid allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such rates and subject to such conditions as may be prescribed.

CHAPTER IX.

CONTROL.

Inspecting staff.

48. (*1*) The Provincial Government may appoint such officers (including inspecting officers) as it may deem necessary for the purposes of superintendence and inspection and generally for the purposes of giving effect to the provisions of this Act.

(*2*) The officers appointed under sub-section (*1*) shall be the servants of the Provincial Government, and their powers and duties shall be such as may be prescribed.

Inspecting officers to be present at school board meetings. Powers of supervision.

49. (*1*) An inspecting officer nominated by the Director in this behalf shall have the right of being present at any meeting of the school board, and with the consent of the chairman, of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution, at such meeting.

(*2*) The Director or Educational Inspector or any officer authorized by a general or special order of the Provincial Government may—

(*a*) (*i*) enter on and inspect any immovable property occupied for any purpose connected with primary education by a school board or authorized municipality or any educational institution under its control or management; or

(*ii*) cause such property or institution to be entered upon and inspected by any other person authorized by him in this behalf;

(*b*) call for any extract from the proceedings of any authorized municipality or school board, or of any committee appointed by any of them relating to any matter connected with primary education; or

(*c*) call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of an authorized municipality or school board.

Power to call for return or require explanation, etc.

50. The Director may—

(*a*) call for from any authorized municipality or school board or Administrative Officer any return, statement, account or report relating to any matter connected with primary education,

(*b*) call upon an authorized municipality or school board to take into consideration any objection which appears to him to exist to the doing of anything connected with primary education which is about to be done by such municipality or board or any information furnished by him which appears to him to necessitate the doing of a certain thing by such municipality or board and to make a written reply to him within a reasonable time, stating in case of disagreement with the Director its reasons for not desisting from doing or for not doing such a thing.

Power of suspending execution of orders, etc. of school board.

51. (*1*) If, in the opinion of the Director, the execution of any order or resolution of a school board or the doing of anything which is about to be done or is being done by or on behalf of the board is in excess of the powers conferred by, or contrary to, this Act or the rules or regulations made thereunder, or is otherwise unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(*2*) When the Director makes an order under sub-section (*1*), he shall forthwith forward to the board affected by it a copy of such order with a statement of the reasons for making it.

(*3*) The Director shall forthwith submit to the Provincial Government a report of every case occurring under this section and the Provincial Government may annul, confirm, revise or modify any order made therein and make in respect thereof any other order:

Provided that no order of the Director passed under this section shall be confirmed, revised or modified by the Provincial Government without giving the board reasonable opportunity of showing cause against the said order.

Default by authorized municipality.

52. (*1*) If any authorized municipality when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory primary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Provincial Government may after due inquiry appoint a person to prepare the scheme or bring it into operation or to continue to keep it in operation, as the case may be, and the expense thereof shall be paid by the authorized municipality to the Provincial Government.

(*2*) If the expense is not so paid the Provincial Government may make an order directing any person who has for the time being custody of any moneys on behalf of the authorized municipality either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Power of Provincial Government to provide for performance of duties on default by school board.

53. (*1*) When the Provincial Government is informed that a school board has made a default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if it is satisfied after such inquiry as it may think fit, that the school board has been guilty of such default, by an order in writing direct the school board to perform the duty within a period fixed for the performance of that duty :

Provided that no such order shall be made unless the school board has been given an opportunity to show cause why such order should not be made.

(*2*) If such a duty is not performed within the period so fixed, the Provincial Government may appoint some person to perform it and may direct that the expenses of performing it with a reasonable remuneration to the person appointed to perform it shall be paid within such time as it may fix to such person by the school board or as the Provincial Government may direct.

(*3*) If the expenses and remuneration are not paid, the Provincial Government may make an order directing the officer in charge of the treasury or bank or society in which the primary education fund is kept or the whole or portion thereof is deposited or lent at interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the school board in such treasury or bank or society or as may from time to time be received from or on behalf of the school board by way of deposit by such treasury or bank or society ; and such officer or bank or society shall be bound to obey such order. Every payment made in pursuance to such order shall be a sufficient discharge to such officer, bank or society from all liabilities to the school board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the school board in such treasury, bank or society.

Directions by Provincial Government.

54. Notwithstanding anything contained in this Act, the Provincial Government shall have power to give to a district school board all such directions as it may consider necessary in regard to any matter connected with primary education and the district school board shall comply with such directions.

Enquiry into affairs of school board.

55. (*1*) The Provincial Government may, from time to time, cause enquiry to be made by any of its officers in regard to any authorized municipality or school board on matters connected with primary education concerning them or any matters with respect to which the sanction, approval, consent or order of the Provincial Government is required by or under this Act.

(*2*) The officer holding such enquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry. V of 1908.

(*3*) The Provincial Government may make orders as to the costs of any enquiries made under sub-section (*1*) and as to the party by whom and the funds out of which they shall be paid, and such order may, on the application of the Provincial Government or of any person named therein be executed as if it were a decree of a civil court.

Dissolution or supersession of school board in certain circumstances.

56. (*1*) If in the opinion of the Provincial Government a school board is not competent to perform or is not properly performing the duties imposed on it by or under this Act or the rules or regulations made thereunder or exceeds or abuses its powers, or is acting or has acted contrary to the provisions of this Act or the rules or regulations made thereunder, it may, by an order published in the *Official Gazette* with the reasons for making it either—

(*a*) dissolve the Board, or

(*b*) supersede it for a period to be specified in the order.

(*2*) When the school board is dissolved or superseded, the following consequences shall ensue :—

(*a*) all members of the board shall in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, be deemed to have vacated their offices as such members ;

(*b*) all powers and duties of the board shall, during the period of dissolution or supersession, be exercised and performed by such person or persons as the Provincial Government may from time to time appoint in this behalf ;

(*c*) the person or persons appointed under clause (*b*) may delegate their powers and duties to any individual or committee or sub-committee.

(*3*) On the issue of an order of dissolution under sub-section (*1*) election of members shall be held under the provisions of this Act or of the rules made thereunder on or before the date to be specified by the Provincial Government and the board shall be re-established by the election, appointment or nomination of members under the aforesaid provisions on such date as may be specified by the Provincial Government.

(*4*) If, after enquiry made, the Provincial Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Provincial Government for the re-establishment of the board.

(*5*) After the board is superseded it shall be re-established by election, appointment or nomination of members under the provisions of this Act or the rules made thereunder applicable thereto—

(*a*) if no direction has been made under sub-section (*4*), on the expiration of the period specified in the order of supersession under clause (*b*) of sub-section (*1*), and

(*b*) if a direction has been made under sub-section (*4*) on such date as is fixed under that sub-section for the re-establishment of the school board.

Dissolution of district school board and its re-constitution on alteration of limits of district.

57. (*1*) When during the term of office of the members of a district school board the limits of the district are on account of the formation of a new district under the Bombay Land Revenue Code, 1879, or for any other reason altered, the Provincial Government may, by order published in the *Official Gazette*, dissolve such board from a date specified in the order and direct a district school board—

Bom. V of 1879.

(*i*) to be reconstituted for the district of which the district school board has been dissolved, or

(*ii*) to be established for a new district which has been constituted.

The members of the district school board which has been dissolved shall vacate their offices from the date specified in the order.

(*2*) The district school board reconstituted or established under the provisions of sub-section (*1*) shall consist of such number of members elected, appointed or nominated in such manner as the Provincial Government may by order in writing direct. The chairman and vice-chairman of the district school board so reconstituted or established shall be elected in the manner provided in this Act and the rules made thereunder.

(*3*) The members of a district school board reconstituted or established under the provisions of sub-section (*2*) shall hold office for such period, not exceeding one year as the Provincial Government shall by order specify.

(*4*) On the expiry of the period of office of the members of a district school board under the provisions of sub-section (*3*), the district school board shall be constituted in the manner provided in section 4.

CHAPTER X.

Provincial Board of Primary Education.

Constitution of Provincial Board of Primary Education.

58. (*1*) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, of whom not more than three shall be Government officers, shall be appointed by the Provincial Government.

(*2*) The members of the said board shall hold office for a period of three years :

Provided that the term of office of the out-going members shall be deemed to extend to and to expire with the date on which their successors are elected or appointed, as the case may be.

(*3*) Any member of the said board may resign his seat at any time by giving notice thereof in writing to the president ; and such member shall be deemed to have vacated his seat as soon as the president has received his resignation.

(*4*) Any member of the said board who absents himself from three consecutive meetings of the board without its previous permission shall cease to be a member of the board.

(*5*) The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of the said board remove any member of the said board if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no such member shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

(*6*) The elected members of the said board shall be persons having any of the following qualifications :—

(*a*) a graduate of seven years' standing of any recognised University ;

(*b*) a professor who has served as such for a period of five years in a college affiliated to a statutory University in the Province of Bombay ;

(*c*) a headmaster who has served as such for ten years in an approved school or high school recognised by the Department of Education of the Provincial Government.

(*7*) The said board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the board. Of the members appointed by the Provincial Government, one member selected by the Provincial Government and belonging to the Department of Education shall act as Secretary to the board.

(*8*) Casual vacancies during the term of the said board shall be filled for the remaining period by election or appointment as the case may be.

Powers and duties of Provincial Board.

59. The powers and duties of the said board shall be as follows, namely :—

(*a*) to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province ;

(*b*) to advise the Provincial Government generally on all matters connected with primary education ;

(*c*) to exercise such other powers and to perform such other duties as may be prescribed.

CHAPTER XI.

MISCELLANEOUS.

Delegation of its powers by Provincial Government.

60. The Provincial Government may delegate any of its powers or duties under this Act to any officer or authority subordinate to it.

Delegation by authorized municipalities and school boards of their powers, duties and functions.

61. (*1*) Subject to the provisions of this Act and the rules made thereunder, an authorized municipality may delegate any of its powers, duties and functions under this Act to the municipal school board.

(*2*) (*a*) A school board may from time to time constitute committees and discontinue or alter the constitution of such committees.

(*b*) The school board may delegate any of its powers, duties and functions to any such committee or to any member or Administrative Officer or stipendiary or any other officer of the board ; and such committee, member or officer shall conform to any instructions that may from time to time be given by the board.

(*3*) The authorized municipality or the school board may at any time withdraw any of the powers, duties and functions so delegated.

Limitation of suits.

62. (*1*) No suit, prosecution or other legal proceeding shall be commenced against any school board or authorized municipality or a servant thereof or any person acting under the orders of the said board or municipality for anything done, or purporting to have been done in pursuance of this Act, which entitles or requires a school board, authorized municipality, member, officer, servant as such or other person so acting to exercise any powers or perform duties without giving to such school board, authorized municipality, member, officer, servant or person one month's previous notice in writing of the intended action and of the cause thereof, or after six months from the date of the act complained of.

(*2*) In the case of any such suit for damages if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount as tendered, and shall pay all costs incurred by the defendant after such tender.

Power to make rules.

63. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters :—

(*a*) the manner of election of the chairman, vice-chairman and the members of a school boards ;

(*b*) the duties and functions of the chairman and the vice-chairman ;

(*c*) procedure for the conduct of school board's business ;

(*d*) procedure for sanctioning tenders ;

(*e*) the constitution and functions of village school committees ;

(*f*) provident funds, gratuities and pensions for the staff maintained by the district school board and for the primary school teachers maintained by an authorized municipality ;

(*g*) provision for the welfare of the children attending primary schools including provision for the care of their health and for their physical and moral training ;

(*h*) pre-vocational courses as a part of upper primary courses ;

(*i*) regulation of the delegation of powers, duties and functions under this Act ; and

(*j*) matters to be prescribed under this Act.

(*3*) Rules made under sub-sections (*1*) and (*2*) shall be made after previous publication.

Repeal and transitory provision relating to school boards.

64. The Bombay Primary Education Act, 1923, is hereby repealed : Bom. IV of 1923.

Provided that until a new school board is constituted under section 4, any existing school board under the Bombay Primary Education Act, 1923, shall exercise all the powers and perform all the duties and functions and shall be subject to all the rights and liabilities as if it is constituted under this Act. Bom. IV of 1923.

Act to prevail over provisions of certain other Acts.

65. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the provisions relating to primary education in the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925. Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.